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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/986,908	11/13/2001	Toyoji Ikezawa	216061US2	6648
22850	7590	07/11/2006	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.			STERRETT, JONATHAN G	
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ALEXANDRIA, VA 22314			PAPER NUMBER	
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DATE MAILED: 07/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/986,908	Applicant(s) IKEZAWA ET AL.	
	Examiner Jonathan G. Sterrett	Art Unit 3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-8,10-16,18-22 and 24-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-8,10-16,18-22 and 24-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Summary

1. This **Final Office Action** is responsive to applicant's amendment filed May 1, 2006. Applicant's amendment of May 1, 2006 amended **Claims 1, 4-7, 10-15, 18, 19, 21, 24-27, 29 and 30**. Currently **Claims 1, 2, 4-8, 10-16, 18-22 and 24-30** are pending.

Response to Arguments

2. The applicant argues that SalesLogix does not teach or disclose estimating a future demand for the commodities based on the expected sales of the commodities and an actual demand for the commodities. In further support of their argument, the applicant states that paragraph 9 of the cited reference in no way describes any kind of estimating.

The examiner respectfully disagrees.

Paragraphs 7 and 9 of SalesLogix, page 2 disclose that 'dynamic forecasting' is provided by the software package. "Forecasting" is defined by Merriam Webster's Collegiate Dictionary (10th Ed.) as "to calculate some future event of condition usually as a result of study and analysis of available pertinent data". Paragraph 9 states that the forecasting can be viewed in table format (i.e. numbers). The numbers provided by SalesLogix according to the dynamic forecasting provide estimates of future sales. Salelogix teaches the use of a 'sales funnel' in the context of pipeline management (also para 9). The system provides for defining sales workflows around a customizable process. A sales workflow process that can be represented by a sales funnel means that a

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number of sales leads progress through a sales process to become actual orders. SalesLogix teaches that the system can provide orders from the sales pipeline management system (see para 7 'delivery of orders'). The conversion of the leads into orders is actual demand. Salespeople using the SalesLogix system would therefore be able to track sales leads from beginning (i.e. an initial sales contact or 'lead') through the various steps (i.e. stages) in the sales process. The sales funnel taught by SalesLogix implies that some sales leads drop out during the process and therefore do not result in an order.

Paragraph 9 teaches that sales managers can view the sales pipeline in many different ways (charts, tables, scatter graphs – one must have numbers to provide a scatter graph) to understand how the sales pipeline is going to convert sales leaders into orders (i.e. revenue) for the company. The sales function in a company is concerned and motivated with providing and increasing revenue for a company. A sales manager using SalesLogix product would not be able to understand the condition of the sales pipeline if the dynamic forecasting functionality did not provide actual numerical estimates of what sales leads were going to close into actual revenue-generating orders.

3. The applicant argues that SalesLogix does not teach or disclose where changes in the sales pipeline include closed sales. In further support of their argument, the applicant states that a sales lead rejecting sales overtures would be removed.

The examiner respectfully disagrees.

SalesLogix teaching includes defining a sales process using a workflow methodology (i.e. a step by step process) where the sales process is complex (para 8). Paragraph 7 teaches that the entire package provides the 'delivery of orders' from the management of the sales pipeline. Paragraph 9 teaches that the entire set of sales leads (as defined by the workflow process described in para 8) can be graphed and viewed in a sales funnel. A sales workflow process that can be represented by a 'sales funnel' means that a beginning to end sales process (i.e. a sales workflow) has various numbers of sales leads at various stages of the sales process. Since orders are being provided from the SalesLogix system (see para 7), this means that the sales leads as being managed by the sales workflow process are being converted into orders. Sales management wants to know how current sales activities are going to result in orders and when those orders will be converted from sales leads.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 1, 2, 4-8, 10-16, 18-22 and 24-30** are rejected under 35 U.S.C. 103(a) as being unpatentable over **SalesLogix** in view of **Cohen**.

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Cohen, Andy; "Predicting the Future", Sept 1996, Sales and Marketing Management; 148, 9; ABI/INFORM Global, p.30 (hereinafter **Cohen**).

Business Wire, "**SalesLogix** New SolutionPacks Deliver Advanced Sales Forecasting and Enterprise Power; New Technology Facilitates Rapid Development of Custom SalesLogix Plug-Ins", Nov 3, 1998, New York, p.1, ProQuest ID 35631983, (hereinafter **SalesLogix**).

Regarding **Claim 1**, SalesLogix teaches:

storing transaction information representing contents of each of a plurality of transactions in a storage, in association with each of the plurality of transactions each for providing commodities to customers,

Page 2 paragraphs 4 & 5, sales data is stored in a variety of databases, e.g. SQL Server, Oracle and Interbase. The information stored relates to a plurality of sales interactions with customers (i.e. transactions) – these sales interactions are in association with providing commodities to customers.

and storing progress information representing whether each of the plurality of transactions is in a state of attaining each of a plurality of stages each indicating a progress level of the transaction based on progress of sales activities performed for accomplishing the transaction, in association with the transaction information, in said storage; and

Page 2 paragraph 8, the sales process is defined into terms of workflows – this means that the sales process is composed of a series of steps. The idea

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of a plurality of stages where each stage indicates a progress level is taught by the idea of pipeline management. Pipeline management includes the idea of a sales project being in various stages (i.e. locations in the pipeline) up until the point of closing. SalesLogix stores the pipeline information (i.e. detailing progress in the sale pipeline).

determining the highest attained stage for each of the plurality of transactions, based on the progress information in association with each of the plurality of transactions,

Page 2 paragraph 9, a sales funnel graph and the workflow processes discussed in paragraph 8 provide for determining the highest attained stage for the plurality of transactions. The terminology of pipeline management itself means that projects in the pipeline are tracked to determine their progress, the goal being that projects coming out of the pipeline do so in a consistent manner. The consistency required by the concept of pipeline management, as it is known in the art, requires tracking the progress (i.e. determining highest attained stage).

and summing expected sales of the commodities in each of the plurality of transactions with the same highest attained stage, at a plurality of points in time; and

Page 2 paragraph 8, the workflow design taught means that there are prescribed steps (i.e. stages) to the sales process. Para 9 teaches that the system provides a view of the funnel so that the user can understand changes in the pipeline, i.e. how sales transactions change from one workflow step (i.e. stages) to another as sales calls are made, presentations, etc.

estimating a future demand for the commodities, based on the expected sales of the commodities and an actual demand for the commodities.

Paragraph 9, the dynamic forecasting provides for estimating a future demand, based on what is in the sales pipeline (i.e. expected sales). Visibility to changes in the pipeline that are provided by the system includes those sales that are being closed (i.e. an actual demand).

SalesLogix does not teach summing each of the expected sales of the commodities by stages in the pipeline based on the probability that the sale will close.

However the concept of using a probability of the sale to calculate an expected revenue is old and well known in the art as evidenced by Cohen.

Paragraph 4 of Cohen teaches that sales personnel estimate probabilities for each sale closing and within a certain time frame. Cohen also teaches the concept of sales pipeline management, where sales interactions (i.e. transaction) occur over time from an initial customer interaction to actually closing the sale.

Cohen teaches that the summing and probability approach result in prioritizing projects to better focus sales personnel effort (paragraph 4).

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It is known in the art of sales management that future demand is based on what current demand is. A high level of interest in a product (as evidenced by the number of contacts in the sales pipeline taught by both SalesLogix (paras 7 & 8) and Cohen (para 3)) is old and well known to be based in at least in part on actual demand (i.e. actual orders) for the product.

Both Cohen and SalesLogix address applying pipeline management and SFA tools to the sales process and thus both Cohen and SalesLogix are analogous art.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of SalesLogix, regarding applying a workflow and pipeline management based approach to managing the sales process, to include the step of summing probabilistically expected sales pipeline prospects (i.e. sales amount times probability), as taught by Cohen, because it would result in improved sales force management.

Regarding **Claim 2**, SalesLogix teaches:

Wherein the stored transaction information includes information representing expected sales of the commodities in each of the plurality of transactions.

Page 2 paragraph 9, forecasting includes information on accounts, contacts and opportunities (i.e. expected sales) for the opportunities in the

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pipeline and in tracking the plurality of transactions (i.e. interactions) – see also paragraph 8 for a discussion of how account information is tracked.

Claims 7, 8, 15, 16, 21, 22, 29 and 30 recite similar limitations to those addressed by the rejection of **Claims 1 and 2**, and are therefore rejected under the same rationale.

Regarding **Claim 4**, SalesLogix teaches

calculating a change rate in the expected sales of the commodities based on the expected sales of the commodities, at each of the plurality of the stages,

paragraph 9, dynamic forecasting includes calculating a change rate in the expected sales of the commodities through understanding changes in the sales pipeline. The use of graphs and charts that are updated as prospects move through the pipeline provide for calculating of changes that result in the forecasting being dynamically updated as information comes in from the field.

and estimating the future demand for the commodities, based on the actual demand and the calculated change rates at the plurality of the stages.

The demand occurs when projects exit the sales pipeline, i.e. deals are closed. This constitutes actual demand. The dynamic forecasting also estimates future demand based on what is in the pipeline and the series of workflow steps

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defining the sales process and pipeline by which sales opportunities are processed.

Regarding **Claim 5**, SalesLogix teaches the use of a pipeline to rationalize the sales process in various stages (as defined by the workflow steps provided by the software in para 8). The teaching of SalesLogix implies that sales projects take a period of time to go through the pipeline, as defined by the steps. SalesLogix does not teach calculating a forecasted demand by using a probability associated with each stage of a sales pipeline and basing on statistical data the probability that the sales will exit the stages and the pipeline in a period of time.

However, the concept of using probabilities to calculate a demand (i.e. revenue) based on specific times a project will exit the sales pipeline and the probability that the project will exit the sales pipeline is old and well known in the art as taught by Cohen.

Cohen teaches using various probabilities associated with projects in the pipeline and the time for closing with the amount of the sale to provide an expected value of what is in the sales pipeline.

Cohen teaches that the summing and probability approach result in prioritizing projects to better focus sales personnel effort (paragraph 4).

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Both Cohen and SalesLogix address applying pipeline management and SFA tools to the sales process and thus both Cohen and SalesLogix are analogous art.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of SalesLogix, regarding applying a workflow and pipeline management based approach to managing the sales process, to include the step of summing probabilistically expected sales pipeline prospects (i.e. sales amount times probability), as taught by Cohen, because it would result in improved sales force management.

Regarding **Claim 6**, SalesLogix teaches the use of a sales pipeline and workflow process steps to forecast sales demand as discussed above. SaleLogix teaches being able to identify specific orders that are in the pipeline in detail (para 9).

SalesLogix does not teach:

making a plan for supplying the commodities, based on the expected demand and stock of the commodities.

However Official Notice is taken that making a plan for supplying goods based on forecasted demand (i.e. expected demand) and product inventory is old and well known in the art of supply chain management. This ensures that

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material is on hand so that in the future, enough product is on hand to meet forecast demand.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of SalesLogix, to include the step of making a supply plan based on future demand and inventory of the commodities, because it would ensure that enough product is on hand to meet forecast demand.

Claims 10-14, 18-20 and 24-28 recite similar limitations to those addressed by the rejection of **Claims 4-6** above, and are therefore rejected under the same rationale.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory

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action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan G. Sterrett whose telephone number is (571) 272-6881. The examiner can normally be reached on Monday-Friday, 8:00AM - 6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JGS *JGS*
7-3-2006

Romain Jeanty
Primary Examiner
Art Unit 3623